

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARQUISE DEANGELO LOFTIS,

Plaintiff,

v.

ARISCO, *et al.*,

Defendants.

Case No. 1:22-cv-01266-BAM (PC)

**ORDER SETTING SETTLEMENT
CONFERENCE**

Hearing: **Settlement Conference**

Date: **October 29, 2025**

Time: **1:30 p.m.**

Judge: **Stanley A. Boone**

Location: **via Zoom Videoconference**

Plaintiff Marquise DeAngelo Loftis (“Plaintiff”) is a former state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against: (1) Defendants Rosales Murillo, Tienda, Diaz, and Navarro (“Defendants”) for excessive force/failure to protect in violation of the Eighth Amendment (claim 2, for duration and use of triangle in cuffing); (2) Defendants Tienda and Diaz for excessive force in violation of the Eighth Amendment (claim 5, for jacking handcuffs upwards); (3) Defendant Navarro for failure to intervene in violation of the Eighth Amendment (claim 5); and (4) Defendant Navarro for retaliation in violation of the First Amendment (claim 6). All parties have consented to Magistrate Judge jurisdiction. (ECF No. 38.)

On July 23, 2025, the Court denied Plaintiff’s motion for extension of time/motion to modify dispositive motion deadline, construed as a motion for reconsideration, (ECF No. 51). (ECF No. 53.)

1 The Court also directed the parties to meet and confer regarding a possible settlement in this action
2 and to file a status report within thirty days indicating whether this action would benefit from a Court-
3 facilitated settlement conference before trial dates are set in this action. (*Id.* at 4-5.) On August 25,
4 2025, the parties filed a Joint Status Report. (ECF No. 54.) The parties indicate that following a meet
5 and confer conference, Defendants wish to participate in a settlement conference in this matter and
6 Plaintiff expressed a desire to do so as well. (*Id.*) Therefore, this case will be referred to Magistrate
7 Judge Stanley A. Boone to conduct a **video settlement conference, via the Zoom videoconference**
8 **application**, on October 29, 2025, at 1:30 p.m.

9 Plaintiff and counsel for Defendants shall each contact Courtroom Deputy Jan Nguyen at (559)
10 499-5672 or jnguyen@caed.uscourts.gov for the video and dial-in information, including any
11 necessary passcodes.

12 **If a party wishes to participate in a settlement conference but cannot attend due to a**
13 **scheduling conflict or a lack of access to a device with videoconferencing capabilities and a**
14 **reliable internet connection, they should so inform the Court and the other party, so the Court**
15 **may determine if there are alternative dates or arrangements that can be made.**

16 The parties shall each submit to Judge Boone a confidential settlement conference statement,
17 as described below, to arrive at least seven days (one week) prior to the conference.

18 The parties shall be prepared to negotiate the merits of the case and offer more than a waiver of
19 costs as a reasonable compromise to settle the case. The parties are also informed that an offer of
20 dismissal in exchange for a waiver of costs is not considered good faith settlement negotiations.

21 In accordance with the above, IT IS HEREBY ORDERED that:

- 22 1. This action is STAYED to allow the parties an opportunity to settle their dispute. Except as
23 provided herein or by subsequent court order, no other pleadings or other documents may be
24 filed in this case during the stay of this action.
- 25 2. This case is set for a **video** settlement conference, **via the Zoom videoconferencing**
26 **application**, before Magistrate Judge Stanley A. Boone on **October 29, 2025, at 1:30 p.m.**
- 27 3. A representative with full and unlimited authority to negotiate and enter into a binding
28 settlement shall attend **via the Zoom videoconferencing application**.

- 1 4. Those in attendance must be prepared to discuss the claims, defenses and damages. The failure
2 or refusal of any counsel, party or authorized person subject to this order to appear in person
3 may result in the cancellation of the conference and the imposition of sanctions.
- 4 5. Defendants shall provide a confidential settlement statement to the following email address:
5 saborders@caed.uscourts.gov. Plaintiff may email or mail his confidential settlement
6 statement to U.S. District Court, 2500 Tulare Street, Fresno, California 93721, “**Attention:**
7 **Magistrate Judge Stanley A. Boone.**” The envelope shall be marked “Confidential
8 Settlement Statement.” Settlement statements shall arrive no later than **October 22, 2025**.
9 Parties shall also file a Notice of Submission of Confidential Settlement Statement (See Local
10 Rule 270(d)). Settlement statements **should not be filed** with the Clerk of the Court **nor**
11 **served on any other party**. Settlement statements shall be clearly marked “Confidential” with
12 the date and time of the settlement conference indicated prominently thereon.
- 13 6. The confidential settlement statement shall be **no longer than five pages** in length, typed or
14 neatly printed, and include the following:
 - 15 a. A brief statement of the facts of the case.
 - 16 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
17 which the claims are founded; a forthright evaluation of the parties’ likelihood of
18 prevailing on the claims and defenses; and a description of the major issues in dispute.
 - 19 c. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
 - 20 d. The party’s position on settlement, including present demands and offers and a history
21 of past settlement discussions, offers, and demands.
 - 22 e. A brief statement of each party’s expectations and goals for the settlement conference,
23 including how much a party is willing to accept and/or willing to pay.
 - 24 f. If parties intend to discuss the joint settlement of any other actions or claims not in this
25 suit, give a brief description of each action or claim as set forth above, including case
26 number(s) if applicable.
- 27 7. If a settlement is reached at any point during the stay of this action, the parties shall file a
28 Notice of Settlement in accordance with Local Rule 160.

- 1 8. The parties remain obligated to keep the Court informed of their current address at all times
2 during the stay and while the action is pending. Any change of address must be reported
3 promptly to the Court in a separate document captioned for this case and entitled “Notice of
4 Change of Address.” *See* Local Rule 182(f).
- 5 9. **A failure to follow these procedures may result in the imposition of sanctions by the**
6 **court.**

7

8 IT IS SO ORDERED.

9 Dated: August 26, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE